



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Alderson et al.

Docket No.: PF112U1

Application No.: 09/499,468

Confirmation No.: 1320

Filed: February 7, 2000

Art Unit: 1647

For: Use of Vascular Endothelial Growth Factor 2 to  
Treat Photoreceptor Cells (as amended)

Examiner: R. S. Landsman

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references HT-IK listed on the attached Form PTO/SB/08. Copies of references HT-IE, IG-IH, and IJ-IK are enclosed.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Applicants respectfully request that the Examiner review the listed references and that the references be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c), since this Supplemental Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before

the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, the Patent and Trademark Office will consider this Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) or the fee as specified in 37 C.F.R. § 1.17(p).

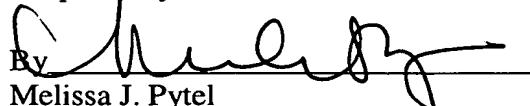
Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that references HT-IE, IG-IH, and IJ-IK contained in this Supplemental Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement. Further, pursuant to 37 C.F.R. § 1.704(d), the undersigned certifies HT-IE, IG-IH, and IJ-IK contained in this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. In particular, the listed references were cited in Supplementary European Search Reports (references IG and IH) dated October 25, 2004 and November 8, 2004, respectively, in connection with corresponding European patent applications.

Copies of references IF and II were submitted by Applicants as references DV and EA, respectively, in an Information Disclosure Statement submitted by Applicants on November 29, 2001, and therefore are not provided herewith. The publication dates of the references were inadvertently omitted in the original submission. Applicants respectfully correct that omission with this paper.

Applicant believes that no fee is due in connection with this submission. However, should the Patent & Trademark Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: November 24, 2004

Respectfully submitted,

  
By \_\_\_\_\_  
Melissa J. Pytel

Registration No.: 41,512  
HUMAN GENOME SCIENCES, INC.  
Intellectual Property Dept.  
14200 Shady Grove Road  
Rockville, Maryland 20850  
(301) 610-5764

MMW/MJP/ba



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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT (\$)**

<b>Complete if Known</b>	
Application Number	09/499,468-Conf. #1320
Filing Date	February 7, 2000
First Named Inventor	Ralph Alderson
Examiner Name	R. S. Landsman
Art Unit	1647
Attorney Docket No.	PF112U1

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  Other  None  
 Deposit Account:

Deposit Account Number **08-3425**  
 Deposit Account Name **Human Genome Sciences, Inc.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE****Large Entity      Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	30	-41** =	<input type="text"/>	x <input type="text"/>	= <input type="text"/>	Fee Paid <input type="text"/>
Independent Claims	1	-5** =	<input type="text"/>	x <input type="text"/>	= <input type="text"/>	<input type="text"/>
Multiple Dependent						<input type="text"/>

**Large Entity      Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**

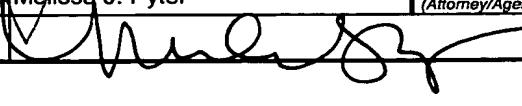
\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**SUBMITTED BY (Complete if applicable)

Name (Print/Type)	Melissa J. Pytel	Registration No. (Attorney/Agent)	41,512	Telephone	(301) 610-5764
Signature				Date	November 24, 2004

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Examiner Name	R. S. Landsman
Art Unit	1647
Attorney Docket No.	PF112U1

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<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
<input type="checkbox"/> Deposit Account:				

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<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	

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Large Entity      Small Entity

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Multiple Dependent			<input type="text"/> =	

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1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	
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1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

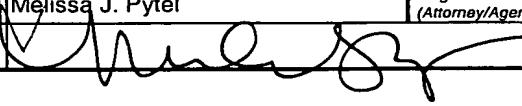
**SUBTOTAL (3) (\$)****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type) Melissa J. Pytel

Registration No. (Attorney/Agent) 41,512

Telephone (301) 610-5764

Signature 

Date November 24, 2004



PTO/SB/08a/b (08-03)

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	09/499,468-Conf. #1320
				Filing Date	February 7, 2000
				First Named	Ralph Alderson
				Art Unit	1647
				Examiner Name	R. S. Landsman
Sheet	1	of	2	Attorney Docket Number	PF112U1

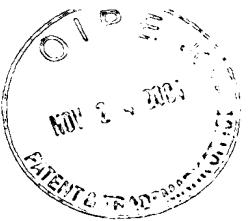
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
					T <sup>6</sup>
HT		WO-01/58956-A3	08-16-2001	BASF Aktiengesellschaft	
HU		WO-01/57226-A1	08-09-2001	Millennium Pharmaceuticals, Inc.	
HV		WO-00/73430-A3	12-07-2000	Max-Delbrueck Centrum Fur Molekulare Medizin	
HW		WO-99/20749	04-29-1999	Medical Research Council	
HX		WO-99/02545	01-21-1999	Novopharm Biotech, Inc.	
HY		WO-98/55619	12-10-1998	ASAT AG Applied Science & Technology	English translation of abstract only
HZ		WO-97/19694	06-05-1997	Amgen, Inc.	
IA		WO-97/08320	03-06-04	Morphosys Gesellschaft Fur Proteinoptimierung MBH	
IB		WO-97/00271	01-03-1997	The Regents of the University of California	
IC		WO-95/24473	12-14-1995	Human Genome Sciences, Inc.	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	ID	EBI Accession No. AAW27553, KNAPPIK et al., "Human Ab heavy chain variable region VH3 consensus" (Jan. 23, 1998).	
	IE	GERHARDINGER, et al., "Expression of Vascular Endothelial Growth Factor in the Human Retina and in Nonproliferative Diabetic Retinopathy," <i>Am. J. Pathol.</i> , 152(6):1453-1462 (Jun. 6, 1998).	
	IF	LITWIN et al., "Role of Cytokines in Endothelial Cell Functions," <i>Human Cytokines</i> 101-129 (1995).	
	IG	Supplementary European Search Report, Application No. EP 02 72 6730, mailed October 25, 2004.	
	IH	Supplementary European Search Report, Application No. EP 00 90 5992, mailed November 8, 2004.	

Examiner Signature	Date Considered
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PTO/SB/08a/b (08-03)

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				First Named	Ralph Alderson
				Art Unit	1647
				Examiner Name	R. S. Landsman
Sheet	2	of	2	Attorney Docket Number	PF112U1

	II	WALSH et al., "Gene Therapy for Human Hemoglobinopathies," P.S.E.B.M. 204: 289-300 (1993).	
	IJ	YANG et al., "Flk-1, a Receptor for Vascular Endothelial Growth Factor (VEGF), Is Expressed by Retinal Progenitor Cells," J. Neuroscience, 16(19):6089-6099 (Oct. 1, 1996).	
	IK	YOURSEY et al., "Vascular Endothelial Cell Growth Factors Promote the In Vitro Development of Rat Photoreceptor Cells," Molecul. Biol. Cell, 10(Suppl.):39a (Nov. 1999) and 39 <sup>th</sup> Ann. Mtg. Am. Soc. Cell Biol., Wash, DC, (Dec. 11-15, 1999) (abstract (227) only).	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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